

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

EDWARD SMITH,

Plaintiff(s)

vs.

JOHN SEARS, et al,

Defendant(s)

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Case Number: 1:03cv189

District Judge Susan J. Dlott

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Timothy S. Hogan. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on July 11, 2005 Report and Recommendations (Doc. 59). Subsequently, both parties filed objections to such Report and Recommendations.

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

IT IS ORDERED that (1) Defendants' motion for summary judgment (Doc. 52) is GRANTED on plaintiff's denial of access to the courts claim, excessive use of force claim and denial of medical care claim; (2) Defendants' motion for summary judgment (Doc. 52) is DENIED on plaintiff's First Amendment freedom of religion claim; and (3) Plaintiff's motion for preliminary injunction be DENIED.

IT IS SO ORDERED.

s/Susan J. Dlott
Susan J. Dlott
United States District Judge